

Appl. No. 09/762,294
Amdt. Dated February 18, 2004
Reply to Office action of October 22, 2003

REMARKS/ARGUMENTS

By the present amendment, claims 1-7 have been amended and claims 8-21 have been deleted without prejudice. Non-elected claims 22-30 have also been deleted by the present amendment. The amendments to the claims have been made without prejudice and without acquiescing to any of the Examiner's objections. Applicant reserves the right to pursue any of the deleted subject matter in a further divisional, continuation or continuation-in-part application. The amendment does not contain new matter and its entry is respectfully requested.

The Official Action dated October 22, 2003 has been carefully considered. It is believed that the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

35 USC §112, Second Paragraph

The Examiner has objected to claims 1-21 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner states that reference to a "non-cytolytic" recombinant virus is vague and indefinite. In response, the term "non-cytolytic" has been deleted in reference to the recombinant HIV-1.

The Examiner has also stated that it "is not readily manifest to which specific regions of the HIV-1 Env the claims are directed". In response, the independent claims have been amended in order to specify that it is the natural signal sequence of the HIV-1 envelope glycoprotein gp120 that is modified. Support for this amendment can be found throughout the application, for example on page 7, line 9.

In view of the foregoing, we respectfully request that all of the objections to the claims under 35 USC §112, second paragraph, be withdrawn.

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35 USC §112, First Paragraph

The Examiner has objected to claims 8-21 under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In response, these claims have been deleted without prejudice which overcomes the objection.

In view of the foregoing, we respectfully request that the objection to the claims under 35 USC §112, first paragraph, be withdrawn.

The Commissioner is hereby authorized to charge any deficiency in fees (including any claim fees) or credit any overpayment to our Deposit Account No. 02-2095.

In view of the foregoing, we submit that the application is in order for allowance and an early indication to that effect would be greatly appreciated. Should the Examiner like to discuss the matter, he is kindly requested to contact Micheline Gravelle at 416-957-1682 at his convenience.

Respectfully submitted,

BERESKIN & PARR

By 

Micheline Gravelle
Reg. No. 40,261

Bereskin & Parr
Box 401, 40 King Street West
Toronto, Ontario
Canada M5H 3Y2
Tel: 416-957-1682
Fax: 416-361-1398

Attachment